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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,081	08/30/2006	Thomas Huber	59482.21840	3688
30734 BAKER & HOS	7590 08/25/201 STETLER LLP	EXAMINER		
	N SQUARE, SUITE 11 TICUT AVE. N.W.	O'HARA, BRIAN M		
	N, DC 20036-5304	ART UNIT	PAPER NUMBER	
			3644	
			NOTIFICATION DATE	DELIVERY MODE
			08/25/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@bakerlaw.com

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/565,081	HUBER ET AL.	
Examiner	A and I I has the	
Examiner	Art Unit	

3.			BRIAN M. O'HARA	3644	
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoicid abandomment of this application, applicant must timely file one of the following replies: (1) an amendment, afflatur, or other evidency which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time particular to the period for reply expires 2months from the mailing date of the final rejection. b) ☐ The period for reply expires 0:: (1) the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRML REJECTION. See MFEP 706.07(1). Extensions of time may be obtained under 37 CFR 1.136(d). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee mater 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; (2) as may reduce any exemple application. See 37 CFR 1.70(b). NOTICE OF APPEAL. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.137 must be filed within two months of the date of Notice of Appeal was been filed; any reply must be filed within the time period set of this final rejection, even if timely filed. The Notice of Appeal was been filed, any reply must be filed within the time period set forth in 37 CFR 4.137(a). AMENDMENTS 3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise the issue of new matter (see NOTE below); (b) ☐ They raise he issue that would require further consideration and/or search (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducin	The	MAILING DATE of this communication appe	ears on the cover sheet with the o	correspondence add	ress
 I. Simple reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following grief or continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time particular. b) The period for reply expires 2 months from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRM. REJECTION. See MFEP 706.07(i). Extensions of time may be obtained under 37 CFR 1.136(d). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee to the firm of the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee to the firm of the date of the firm of the date for the firm of the date of the firm of the date of the firm of the firm of the firm of the date of the firm of the	THE REPLY FILI	ED 12 August 2011 FAILS TO PLACE THIS AI	PPLICATION IN CONDITION FOR	ALLOWANCE.	
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nave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTCL-324). Applicant's reply has overcome the following rejection(s): 5. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s) is given the status of the claim(s) is (or will be) as follows: Claim(s) allowed: 23. Claim(s) objected to:	a) The pe b) The per no ever Examin	riod for reply expires on: (1) the mailing date of this A nt, however, will the statutory period for reply expire la er Note: If box 1 is checked, check either box (a) or (dvisory Action, or (2) the date set forth ater than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE	g date of the final rejectio	n.
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7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 23. Claim(s) objected to: Claim(s) rejected: 1,3-22 and 24-27. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8.	NO 4. The amend 5. Applicant's 6. Newly pro	TE: (See 37 CFR 1.116 and 41.33(a)). dments are not in compliance with 37 CFR 1.12 s reply has overcome the following rejection(s): posed or amended claim(s) would be all	21. See attached Notice of Non-Co	mpliant Amendment (i	
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Application No. 10/565,081

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that "the features of Bergholz are not fixedly connected as claimed" because they are disclosed by Bergholz as being a hinge joint. This argument is not seen to be commensurate with the scope of the claims since fixedly connected does not preclude the connection from being rotatable about one degree of freedom. The connection disclosed by Bergholz is still fixed in at least one degree of freedom.